

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

TRUE THE VOTE, *et al.*

PLAINTIFFS

V.

CIVIL ACTION NO.: 3:14-CV-532-NFA

THE HONORABLE DELBERT HOSEMANN,
in his official capacity, as Secretary of State for the
State of Mississippi, *et al.*,

DEFENDANTS

STATE OF MISSISSIPPI

COUNTY OF LAUDERDALE

AFFIDAVIT OF WALLACE HEGGIE

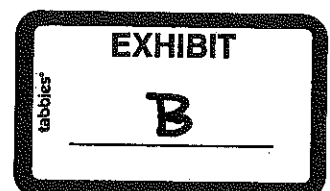
COMES NOW the undersigned, Wallace Heggie, being duly sworn, states on his
oath as follows:

1. I am over the age of 21 years, have personal knowledge and am competent
to testify regarding the matters contained herein.

2. I am a duly elected District 1 Election Commissioner for Lauderdale
County, Mississippi.

3. On the morning of Monday, July 7, 2014, I was at work as an Election
Commissioner in the Lauderdale County Courthouse. The Lauderdale County Election
Commission has its own office, but shares a public waiting area with the Circuit Clerk's
office. The Circuit Clerk is not a member of the Election Commission.

4. More specifically on that morning, I was in the vault within the Circuit



Clerk's office with Election Commissioner Awana Simmons, who was supervising personnel from the Chris McDaniel campaign in their examination of the contents of the ballot boxes as well as poll books from the June 3, 2014 primary election and the June 24, 2014 primary run-off election.

5. Deputy Circuit Clerk Tina Moore entered the vault and asked me to come out to assist with a request. At that time, the only other staff member present from either the Election Commission or the Circuit Clerk's office was Deputy Circuit Clerk Tina Moore. The Circuit Clerk was out of the office at that time for a meeting. In response to Ms. Moore's request, I left the vault and went to the main counter of the Circuit Clerk's office and there met with a couple who identified themselves as John and Karen Hobson. They asked if they could see the absentee ballots and absentee ballot envelopes from the June 24, 2014 primary run-off election. In a brief exchange of pleasantries, I learned that they were from Texas. They also presented a letter identifying themselves as being volunteers with True The Vote.

6. In response to their request to see the absentee ballots and absentee ballot envelopes from the June 24, 2014 primary run-off election, I informed Mr. and Mrs. Hobson that the time period that we were in that day was reserved for the candidate or the candidate's representatives to review the ballot boxes. I also informed them one of the campaigns had representatives conducting its review at that time¹. In support of my

¹ I note that a representative (Marion Reid) of the Thad Cochran campaign had been participating in the inspection earlier in the morning. However, by the time Mr. and Mrs.

explanation, I provided Mr. and Mrs. Hobson with a copy of Mississippi Code § 23-15-911. Mr. and Mrs. Hobson explained that it was their belief that they should also be provided access at that time to the ballot boxes. I informed Mr. and Mrs. Hobson that I would make a telephone call to verify my understanding regarding access to the boxes. I then placed a telephone call to Kim Turner of the Mississippi Secretary of State's office. I explained to Ms. Turner that representatives of True The Vote were requesting to review the absentee ballots and absentee ballot envelopes from the June 24, 2014 primary run-off election and that personnel from the Chris McDaniel campaign were then reviewing those same documents. I explained to Ms. Turner that I had provided Mr. and Mrs. Hobson a copy of Mississippi Code § 23-15-911 and that I had informed them that the time period was reserved for the candidate or the candidate's representatives to review the ballot boxes. I also explained to Ms. Turner that Mr. and Mrs. Hobson had expressed a belief that they should also have access to the absentee ballots and absentee ballot envelopes at the same time. I asked Ms. Turner if she agreed with my understanding and asked for a recommendation of how to respond to Mr. and Mrs. Hobson. After receiving the response from Ms. Turner, we concluded the telephone conversation.

7. I then left my office and returned to the main counter in the Circuit Clerk's office, but Mr. and Mrs. Hobson were no longer there. I asked Deputy Clerk Tina Moore for the Hobsons' location and learned that they were in the vault. I then entered the vault

Hobson arrived, Ms. Reed had already left the premises.

to continue my discussion with Mr. and Mrs. Hobson. At that time, two representatives (Jean Ming and Todd Vallot) of the Chris McDaniel campaign were continuing to canvas/inspect the contents of the ballot boxes from the June 24, 2014 primary run-off election. Election Commissioner Awana Simmons was in the vault directly supervising the McDaniel campaign personnel. After I entered the vault, I immediately informed Mr. and Mrs. Hobson that they should not be in the vault at that particular time. They apologized for their misunderstanding and very politely left the vault with me and returned to the main counter. I informed them that I had confirmed with the Mississippi Secretary of State's office that only candidates or the candidates' representatives should have access to the ballot boxes at that particular time. I then gave Mr. and Mrs. Hobson one of my business cards and invited them to contact me if they had any additional questions. I also suggested that they complete one of the Circuit Clerk's information request forms and then come back later in the day when the Circuit Clerk was in the office. I suggested that they go have lunch. Tina Moore retrieved the standard form and provided it to Mr. and Mrs. Hobson. My visit with Mr. and Mrs. Hobson was concluded at that time. I then went back to the vault to further assist Awana Simmons in her supervision of the McDaniel campaign representatives.

8. At no time during the Hobsons' visit to the Circuit Clerk's office did I hear either Mr. or Mrs. Hobson ask to review any poll book, or ask for a copy of any poll book, or a copy of any pages from my poll books.

9. To my knowledge, since July 7, 2014, neither the Hobsons nor any other representative of the True The Vote has returned to either the office of the Lauderdale County Circuit Clerk or the office of the Lauderdale County Election Commission.

10. This concludes my Affidavit.

Wallace Heggie
Wallace Heggie

SWORN TO AND SUBSCRIBED BEFORE ME, this the 5th day of August, 2014.

Lynn Story
NOTARY PUBLIC

My Commission Expires:
1-13-2016

